

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 196 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge? No

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LALBHAI AMARCHAND VADNAGARA

Versus

KETANKUMAR S VADNAGARA, MINOR THRO' GUARDIAN N S VADNAGARA

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Appearance:

Appellant - served.

MR ND NANAVATI for Respondent No. 1

SERVED for Respondent No. 2, 3, 4, 5, 6, 7, 8, 9,10

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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 21/08/97

ORAL JUDGEMENT

This appeal is directed against an interim order dated January 4, 1985 passed by the learned Third Joint Civil Judge (S.D.), Junagadh below Ex.5 in Special Civil Suit

No. 40 of 1984 directing both the parties to maintain status quo till the decision of the suit and restraining the defendants from executing the decree in question. Even though the appeal was admitted in August 1985 no ad-interim or interim stay was granted on Civil Application No.2211 of 1985. The interim injunction granted by the trial Court has continued to operate for the last about 12 years.

In the facts and circumstances of the case and in view of the fact that the interim injunction has continued to operate for last about 12 years, no case is made out to interfere with the said interim order at this stage. The appeal, therefore, deserves to be dismissed.

At the same time, since the suit is of the year 1984, it would be just and proper to direct the trial Court to hear and decide the suit as expeditiously as possible and latest by January 31, 1997. Subject to the aforesaid direction, the appeal is dismissed with no order as to costs.